City of Seattle

Gregory J. Nickels, Mayor
Department of Design, Construction and Land Use
D. M. Sugimura, Director

CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE

Application Numbers: 2208418 & 2208420

Applicant Name: Ray Johnston and Alison Walker-Brems, Johnston Architects for Bill Parks, Crocus Development

Address of Proposal: 7440 Latona Ave NE/311 NE 75th St

SUMMARY OF PROPOSED ACTION

Master Use Permit to establish use for the future construction of eight single family residences in a cluster development. Parking for 11 vehicles to be provided on site. Project includes minor alterations to one existing single family residence (311 NE 75th St) and the future demolition of one single family residence (7440 Latona Ave NE).

The following Master Use Permit components are required:

Design Review - Section 23.41, Seattle Municipal Code (SMC) with Development Standard Departures:

1. Front Setback – To decrease the required front setback (SMC 23.47.014).
2. Side Setback – To decrease the required side setback (SMC 23.47.014).
3. Open Space – To depart from open space development standards, including minimum dimensions (SMC 23.45.016).
4. Parking Access – To include secondary access from street (SMC 23.45.018).

SEPA - Environmental Review - Seattle Municipal Code (SMC) Section 25.05

SEPA DETERMINATION: [ ] Exempt [ ] DNS [ ] MDNS [ ] EIS

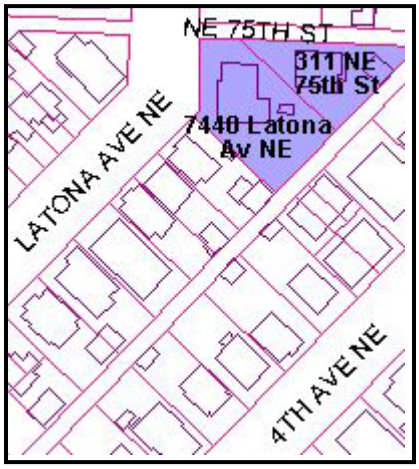
[X] DNS with conditions*

[ ] DNS involving non-exempt grading or demolition, or involving another agency with jurisdiction.

*Notice of early DNS was published February 20, 2003.

BACKGROUND DATA

Vicinity Description



The property is located within a Lowrise 1 zoning district and is also within the Green Lake Urban Village overlay. The area to the south of the site is also zoned Lowrise 1, while the area to the east is zoned Lowrise 2. Both of these areas are developed with a combination of single family and multifamily structures. To the north of the site, the zoning changes to Single Family 5000 and is developed with single family structures.

Site Description

The subject site includes two abutting lots and uneven topography sloping down to the south. The irregularly shaped lot is approximately 14,725 square feet in area. The sites are bounded to the west by Latona Avenue NE, NE 75th Street to the north and an alley to the east. The site is currently developed with two single family structures, one of which is to remain (bringing the total number of units on the site to nine). All of the required parking (9 spaces) for the proposed development are to be provided on site. Access to the site will be from both the alley and NE 75th Street.

Proposal

The proposal is to construct eight single family residences in a cluster development. The proposal includes 9 vehicles to be provided in garages and two surface parking spaces. The project includes the retention of a single family residence (311 NE 75th St) and the future demolition of one single family residence (7440 Latona Ave NE).

Public Comments

At the Early Design Guidance meeting, held on January 6, 2003, approximately 26 members of the public meeting and two letters were received by DCLU. The following issues and concerns were raised:

- Comparing the proposed development to development found in Issaquah;
- Clarifying that the proposed concept will likely retain the height of the raised berm above the sidewalk on Latona;
- Concern with the access to the site during construction given the challenging topography;
- Concern that the design allows for the privacy of the single family development to the north is maintained and that views to and from windows are protected;
- Concern with the potential number of accidents involving garbage trucks through the alley and substandard NE 75th Street;
- Clarifying the anticipated number of bedrooms for each unit (approx 2 per unit);

- Clarifying that the view corridors are more to the southwest, not due south, from those houses to the north of the subject site;
- Expressing support that the design minimize the traffic impact along NE 75th Street given the substandard width and topography of this road;
- Estimating the proposed sales prices of the units;
- Clarifying the departures being requested;
- Supporting the accommodation of two cars per unit to alleviate the congested street parking;
- Opposing the number of units proposed as too much for Latona Street to handle from a traffic and parking congestion perspective;
- Reinforcing the importance of preserving the integrity of the existing neighborhood with trees and landscaping, rather than designing a development with a highly urban appearance;
- Expressing support for Option C with condo units;
- Noting the importance of maintaining the line of sight down Latona Street and opposing a departure from the setbacks that would allow encroachment into the sight path;
- Opposing the density of the proposed development as too intensive; and
- Expressing support for the preservation of the variety of trees and landscaping currently found on the site, especially for the purposes of maintaining a buffer between the proposed development and the neighbors.

At the Final Design Recommendation meeting, held on March 17, 2003, approximately nine members of the public attended. Public comment focused on the following issues:

- Appreciation for the response to the concerns raised at the first meeting;
- Clarifying the six foot height of the proposed screening for the recycling and trash areas;
- Noting the difficulty of garbage trucks to maneuver through alley and NE 75th St;
- Clarifying the Land Use Code's definition of private, usable open space
- Concerns by neighbor to the south that the existing pathway along the south property line be maintained, as well as concern that the proposed development will adversely impact the slope and compromise the retaining wall between the properties;
- Encouraging a dense vegetation buffer along the southern property line;
- Concern that the windows along the south facades of proposed buildings B, C and E will reduce the privacy of the residence to the south;
- Noting that the vegetation to be preserved has been flagged for protective measures;
- Questions on the construction time line and daily hours of construction activities;
- Concern that the parking of construction related vehicles will not block impede alley traffic; and
- Opposing the movement of buildings A and B closer to the Latona Ave property line, creating an imposing and overly tall and bulky appearance for this street.

The SEPA comment period for this proposal ended on March 5, 2003 and five letters were received providing the following comments:

- Requesting to become a party of record;
- Concern that the proposed development will result in the loss of privacy and views from nearby residence;

- Interest in the preservation of existing trees and other flora currently located on the site, both for neighborhood aesthetics, but also to buffer the proposed development from the abutting neighbors;
- Frustration with current lack of on-street parking and concerned about traffic safety;
- Concern with the departure to reduce the side setback along the alley due to the tight maneuverability at the intersection of the alley with NE 75th St; and
- Opposing the requested departures from the front and side setback standards because such encroachment would obscure views along Latona St and create a circulation conflict at the intersection of the alley and NE 75th St. May support open space departure if the total open space would be equal to or greater than 200 SF per unit.

ANALYSIS - DESIGN REVIEW

Design Guidance

The Early Design Guidance meeting was held on January 6, 2003. After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the following siting and design guidance and identified by letter and number those siting and design guidelines found in the City of Seattle's *"Design Review: Guidelines for Multifamily and Commercial Buildings"* of highest priority to this project. Additionally, consultation with the *Green Lake Neighborhood* design guidelines allowed the Board to provide further elaboration on these guidelines identified as highest priority. Identification and discussion of the *Green Lake Neighborhood Design Guidelines* follow the citywide Design Guidelines in those priorities addressed below and are distinguished from the citywide guidelines by the initials "GL".

The Design Review Board reviewed the final project design on March 17, 2003, at which time site, landscaping and floor plans, as well as elevation sketches and renderings, were presented for the members' consideration. The Early Design Guidance provided by the Board directly follows the guidelines and the subsequent Final Recommendations are distinguished by *italic* text.

ARCHITECT'S PRESENTATION

Three alternative design configurations were presented at the EDG meeting. The first, Option A, proposed one single structure with nine surface parking spaces. In this scheme, both of the existing structures would be demolished, as well as the large pine tree. The second alternative, Option B, proposed two structures with nine surface parking spaces. Both of the existing structures would be removed in this scenario, although the existing tree would remain. Option C proposes the construction of eight smaller structures, the retention of one of the existing houses, as well as preservation of the tree. The design presented at this second meeting included further development of Option C, responded to the suggested reduction of the departures, provided a landscape plan and site elevations. The architect also presented a model demonstrating the topography of the site in relation to the proposed structures, the height, bulk and scale and proposed access points of the proposed design.

A. Site Planning

A-1 Responding to Site Characteristics

The siting of buildings should respond to specific site conditions and opportunities such as non-rectangular lots, location on prominent intersections, unusual topography, significant vegetation and views or other natural features.

GL: Views of the Lake: Numerous streets offer views of, and pedestrian access to, the lake. Consider siting the building to take advantage of these views and to enhance views from the public right-of-way. Methods include setting the building back from lake views, placing landscape elements and street trees to frame views rather than block them, and providing pedestrian spaces with views of the lake.

GL: Curved and Discontinuous Streets: The community's street pattern responds to the lake by breaking with the city's standard grid pattern. This creates numerous discontinuous streets, street offsets, and curved streets, helping to define the neighborhood's character. New developments can take advantage of such street patterns by providing special features that complement these unique spaces.

GL: Entry Locations: Certain locations serve as entry points into neighborhood and commercial areas. Development of properties at these "entry locations" should include elements that suggest an entry or gateway. Please refer to the Green Lake Design Guidelines document for the list of entry locations.

The Board discussed that this site is located in a transitional zone between the more intensive multi-family zones down to the single family zone. As such, the Board agreed that the proposed site plan should emphasize the single family character. This guidance also supported the site plan presented under Option C.

The subject site is irregularly shaped with unusual topography. The City Arborist has identified a large Scot's pine on the west side of the lot addressed as 311 NE 75th Street as worth preserving. Option C presented by the architects would be able to preserve this tree. The Board agreed that Option C best addressed the unusual features of the site and allowed for massing opportunities that would be sensitive to existing scale of the surrounding neighborhood and allow for view corridors to the lake to be less impacted.

At the final meeting, the Board supported the design further detailing Option C. This scheme includes nine detached structures on the site, including the retention of one of the existing structures. Each unit has one parking space available either within the unit or at grade next to the unit. Two extra parking spaces have also been provided. The design also incorporates a common open space in the central portion of the site, including a communal p-patch and gathering space. The Board agreed that the proposed design successfully integrated the subject site with the surrounding single family character and scale.

A-3 Entrances Visible from the Street
Entries should be clearly identifiable and visible from the street.

The Board agreed that the proposed structures should engage with the street frontage and not turn away from the streets. At the next meeting, the Board does not want to see the "backsides" of the proposed buildings, but rather that the facades interact with the street.

Both of the units fronting onto NE Latona Ave have entrances and entrances located on the street-facing façade. Along NE 75th St, two of the four buildings have doorways onto the street. All four units, however, have windows on the street-facing façade. The Board was pleased with the orientation of the buildings, but agreed that the entrance areas for Buildings A and B were too understated and that they should be further emphasized. The Board recommended refining the entryways of these units to provide a transition space between the semi-public to private. The Board suggested referencing the historic porch model giving strong attention to the doorway function and conveying s stronger sense of ownership. Thus, the following condition was recommended:

Recommended Condition:
1. The entrance stoops for Buildings A and B should be further emphasized with additional details and features reflective of single family housing. The design should include features such as canopies or entryway articulation that provide a layering of public to private space. The articulation of these entryways should not, however, further encroach into the front yard.

A-5 Respect for Adjacent Sites
Buildings should respect adjacent properties by being located on their sites to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings.

The Board emphasized the importance of maintaining the privacy of the surrounding residences, as well as that of the proposed residences.

The Board supported the proposal to use a combination of clear and frosted glass windows in an effort to maintain privacy between the proposed buildings and the surrounding residences. The lower portions of the windows for Buildings C and E are proposed to be frosted glass to protect privacy, while allowing light into the interior of the units. The Board supported the comment that these two units might be further shifted away from the property line to allow for a wider vegetation buffer.

Recommended Condition:
2. Buildings C and E along the southern portion of the site should be shifted as much as possible to widen the landscape buffer.

A-6 Transition Between Residence and Street
For residential projects, the space between the building and the sidewalk should provide security and privacy for residents and encourage social interaction among residents and neighbors.

GL: Residential Open Space: For increased privacy, consider raising residences on the ground floor if allowed by site conditions.

The Board felt that the open space and landscaping along the edges of the site should help buffer the existing development from the proposed development. The Board agreed that these areas should reinforce the transitional nature of this neighborhood as reflected by the zoning. The Board cautioned that this landscaped buffer area should not be too densely vegetated in order to still allow views to and from the site.

The design includes a private sidewalk along the northern edge of the property bordering NE 75th St. A five foot landscaped buffer along the southern property line has been provided and small front yards for buildings A and B have been included. The Board was satisfied with the response to this guidance with the understanding that the vegetated buffer along the south would be increased, where possible.

A-7 Residential Open Space
Residential projects should be sited to maximize opportunities for creating usable, attractive, well-integrated open space.

GL: The Design Review Board may consider reducing the amount of required open space if the project better meets the objectives of this guideline. Specific treatments that would merit such consideration are listed in the Green Lake design guidelines document.

The Board was interested in seeing a high quality and well designed configuration for the common open space for the development as a whole, as well as for the smaller private open space areas. Please see criteria A-6.

The Board strongly supported the proposed communal open space situated in the central portion of the site, which includes a communal gathering space, water feature and p-patch.

A-8 Parking and Vehicle Access
Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties and pedestrian safety.

The proposed access to the subject site is to be primarily from the alley, although further design alternatives may include some access from NE 75th Street. The Board supported focusing the access from the alley.

Access to the site is provided from the alley for buildings B, C, E, F, G and H, as well as to the two extra parking stalls. Access to buildings A and D are proposed from NE 75th Street and the access to the existing building I would continue to be from NE 75th Street.

B. Height, Bulk and Scale

B-1 Height, Bulk and Scale Compatibility
Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to near-by, less-intensive zones. Projects on zone edges should be developed in a manner that creates a step in perceived height, bulk and scale between the anticipated development potential of the adjacent zones.

GL: Zone Edges: Along a zone edge without an alley, additional methods should be considered to help reduce the potential 'looming effect of a much large structure in proximity to smaller, existing buildings. Refer to the Green Lake Design Guidelines document for specific examples.

The Board strongly agreed that Option C presents the best bulk and scale relationship to the surrounding neighborhood (and the single family structures to the north) and responds best to the spirit of transition of the Lowrise 1 zone.

The Board agreed that the design for Option C was developed in a manner compatible with the existing neighborhood context.

C. Architectural Elements and Materials

C-1 Architectural Context
New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complement the architectural character and siting pattern of neighboring buildings.

GL: Distinct Architectural Themes and Styles: Residential Urban Village: Build on the core's classical architectural styles (e.g., community center, library, Marshall School, VFW building). Also, many existing buildings are simple 'boxes' with human scale details and features.

GL: Façade Articulation: The façade articulation of new multi-family residential buildings (notably Lowrise zones) should be compatible with the surrounding single-family architectural context.

The Board suggested that the architectural design be consistent with the character, forms, and materials found in the Green Lake neighborhood, such as the bungalow style. A contemporary urban style would not be appropriate in this location.

The Board supported the contemporary farmhouse style of the proposed buildings using simple forms, pitched roofs, large windows and trim.

C-2 Architectural Concept and Consistency
Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept. Buildings should exhibit form and features identifying the functions within the building. In general, the roofline or top of the structure should be clearly distinguished from its façade walls.

The architects proposed that the structures would be very similar in appearance, although the color palette would vary from building to building. The Board encouraged the architects to include different details among the unit designs to further distinguish individual units.

The Board supported the different fenestration patterns presented by each house, but suggested that further refinement of the entry details would help emphasize the individuality of the units. See also A-3 for recommended condition.

C-4 Exterior Finish Materials
Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.

GL: See the full description of Green Lake Design Guideline C-4 for a complete discussion of appropriate and recommended materials.

The Board advised the applicant to use high quality materials including hardy-plank and shingle and not to use vinyl siding.

The proposed material and color palette included a dark charcoal colored roof, natural wood and metal siding (using a combination of three muted colors, including a crimson, dark plum and forest green) and wood clad windows. The windows are a combination of clear and opaque glass panels situated to protect privacy. The architect mentioned that more vibrant colors may be used for the doors to the individual units. The Board supported the proposed materials and colors as compatible with the surrounding development.

D. Pedestrian Environment

D-1 Pedestrian Open Spaces and Entrances
Convenient and attractive access to the building's entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunities for creating lively, pedestrian-oriented open space should be considered.

The Board noted that the proposed internal courtyard area should be designed to safely accommodate both the pedestrian and vehicular uses associated with the proposed development.

The Board supported the configuration of proposed driveway situated along the southern portion of the common open space (bordering Units C ad E) as well as the well-programmed common open space. See A-7. The Board recommended, however, that the driveway material (hardscape) be distinguished with colored and/or patterned concrete.

3. Provide additional colored and/or patterned treatment of the driveway located on the site.

D-2 Blank Walls
Buildings should avoid large blank walls facing the street, especially near sidewalks. Where blank walls are unavoidable, they should receive design treatment to increase pedestrian comfort and interest.

The Board stressed the importance of not having blank walls along the visible street frontages of the site. See A-3.

The Board was satisfied that all of the street-facing facades avoided the appearance of blank walls by integrating a varied fenestration pattern to each building.

D-3 Retaining Walls
Retaining walls near a public sidewalk that extend higher than eye level should be avoided where possible. Where high retaining walls are unavoidable, they should be designed to reduce their impact on pedestrian comfort and to increase the visual interest along the streetscape.

The Board suggested the use of terracing and landscaping to help screen and break up any needed retaining walls.

This issue was not discussed at the recommendation meeting.

D-4 Design of Parking Lots Near Sidewalks
Parking lots near sidewalks should provide adequate security and lighting, avoid encroachment of vehicles onto the sidewalk, and minimize the visual clutter of parking lot signs and equipment.

The Board agreed that the design minimize views of parking areas through effective screening.

Although most of the proposed parking has been located within structure, two spaces remain located outside of their respective structures. One is associated with the existing residence and the other one is approximately in the same location as the existing

driveway to the second existing residence. The Board was not concerned about the views to these few parking spaces.

D-6 Screening of Dumpsters, Utilities and Service Areas
Building sites should locate service elements like trash dumpsters, loading docks and mechanical equipment away from the street front where possible. When elements such as dumpsters, utility meters, mechanical units and service areas cannot be located away from the street front, they should be situated and screened from view and should not be located in the pedestrian right-of-way.

The Board agreed that the communal garbage area should be well-screened from view. The Board would also like to see the proposed method for picking up garbage and recycled materials.

The service area is proposed at the junction between NE 75th St and the alley way. The proposal includes a six-foot high fence around the perimeter of the recycling/trash area). The Board supported the proposed screening, as well as this location as the most functional from a refuse collection standpoint.

D-7 Personal Safety and Security
Project design should consider opportunities for enhancing personal safety and security in the environment under review.

The Board suggested that safety concerns should be addressed by developing an exterior lighting plan for review and by including low fencing and low landscaping (in order to preserve views and maintain sight lines).

The Board was satisfied that this guidance had been satisfactorily addressed.

E. Landscaping

E-1 Landscaping to Reinforce Design Continuity with Adjacent Sites
Where possible, and where there is not another overriding concern, landscaping should reinforce the character of neighboring properties and abutting streetscape.

The Board would like to review a fully detailed landscaping plan at the next meeting.

The proposed design included a vegetated buffer area along the southern property line, the retention of several trees and landscaping around the perimeter of the site. A water feature in the common open space has been included to help screen the noise from nearby traffic. The Board agreed that the proposed landscaping plan will be well-integrated into the neighborhood.

E-3 Landscape Design to Address Special Site Conditions
The landscape design should take advantage of special on-site conditions such as high-bank front yards, steep slopes, view corridors, or existing significant trees and off-site conditions such as greenbelts, ravines, natural areas, and boulevards.

GL: Green Lake Park, Ravenna Boulevard and Lower Woodland Park are visible and accessible examples of the Olmsted brothers' design. New development should build on this character by employing informal groupings of large and small trees and shrubs. Please refer to the Green Lake design guidelines document for a complete list of appropriate landscape treatments.

The Board supported efforts to retain the large pine tree in the center area of the subject site and integrate this tree into the landscaping plan. Please see A-1.

The pine tree referenced above has been included in the proposed landscaping plan. Several large trees have also been slated for preservation including the magnolia and horn beams.

DEPARTURE FROM DEVELOPMENT STANDARDS

The following **departures** from the standards set forth in the Land Use Code were requested by the applicant.

1. Departure from Front Setback (SMC 23.45.014)
The applicant requested that the Board consider a departure to decrease the front setback requirements in order to better configure one of the proposed structures. The Code requires that the front setback (along Latona) is 12 feet, while the proposed configuration includes two structures that encroach into this front setback. Building A includes a setback ranging from 10'10" to 10'1.5" and Building B proposes a setback between 5'5" and 6'8". The Board originally recommended that the proposed setback be closer to the required distance (at least between five and twelve feet) to minimize the intrusion into the front setback. The proposed design presented at the recommendation meeting satisfied this parameter and the Board voted unanimously in favor of the proposed departure (along with the condition to further develop the entry areas to these two buildings).

2. Departure from Side Setback (SMC 23.45.014)
The applicant requested that the Board consider a departure to decrease the side setback requirements. The Code requires that the side setback is five feet. The proposed configuration may include one structure that encroaches into this setback along the alley. The Board indicated concern at the potential extent of this departure given the maneuvering issues at the intersection of the alley and NE 75th Street. At the first meeting, the Board stated that they would like to see this proposed setback increased to at least three feet to avoid this impact. Consequently, the design was revised for the second meeting to meet this recommendation, providing a 3'2" setback for Building H. The Board unanimously voted in favor of the requested departure.

3. Departure from Open Space (SMC 23.45.016)

The Code requires that each unit have direct access to at least 200 square feet of private usable open space. The applicant requested that the Board consider a departure to decrease the private open space requirements. The proposed development would include less than this amount for some of the units, although the required common open space areas would be greater than what is required. The Board indicated that they would be favorable towards this flexible approach to the distribution and type of open spaces in order to accommodate this scale of development which responds appropriately to the context. The Board also supported the efforts to preserve the existing Scots Pine tree, as well as the well-developed and creative landscaping plan including a communal p-patch, gathering space and water feature. Therefore, the Board unanimously voted in favor of the requested departure.

4. Departure from Parking Access (SMC 23.45.018)

The Code requires that access to a site, located within a Lowrise zone, be from the alley. The applicant has proposed to include a second driveway from NE 75th St, in addition to the alley access, in order to accommodate three of the parking spaces. The Board agreed that because allowing the secondary access would serve only three parking spaces and because they agreed that preserving the common open space areas was desirable, the secondary access was a practical design solution and therefore voted unanimously in favor of the requested departure.

SUMMARY OF RECOMMENDATIONS:

The recommendations summarized below are based on the plans submitted at the Final Design Review meeting. Design, siting or architectural details not specifically identified or altered in these recommendations are expected to remain as presented in the plans available at the March 17, 2003 public meeting. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities, and reviewing the plans and renderings, the Design Review Board members recommended **APPROVAL** of the subject design and all the requested development standard departures (see Table below) from the requirements of the Land Use Code, with the following recommended conditions:

1. The entrance stoops for Buildings A and B should be further emphasized with additional details and features reflective of single family housing. The design should include features such as canopies or entryway articulation that provide a layering of public to private space. The articulation of these entryways should not, however, further encroach into the front yard.

2. Buildings C and E along the southern portion of the site should be shifted as much as possible to widen the landscape buffer.

3. Provide additional colored and/or patterned treatment of the driveway located on the site.

Table: Departure Summary

	Development Standard	Code Requirement	Proposed	Rationale	Action
1.	Front Setback 23.45.014	12’	10’10” to 10’1.5” for Building A and 5’5” to 6’8” for Building B	Shifting the structures closer to the street opens up views to the interior open space and allows for more defined entry areas.	Unanimously Approved
2.	Side Setback 23.45.014	5’	3’2” for Building H	Configured to maximize awkward angle of property.	Unanimously Approved
3.	Open Space 23.45.016	200 SF/unit private usable open space (10’ min dimension)	Majority of required open space in common use	Offer creative and well-programmed open space design.	Unanimously Approved
4.	Parking Access 23.45.018	Alley access only	Alley and street access	Keep existing driveways and allow access to units without having to cross open space.	Unanimously Approved

The recommendations of the Board reflected the goal of integrating the proposed project into both the existing streetscape and the built community. Since the project would be of a higher density than much of the surrounding development, the Board was particularly interested in the height bulk and scale issues associated with the proposal as well as the buffering of the development from nearby properties.

The design review process prescribed in Section 23.41.014.F of the Seattle Municipal Code describing the content of the DCLU Director’s decision reads in part as follows:

The Director’s decision shall consider the recommendation of the Design Review Board, provided that, if four (4) members of the Design Review Board are in agreement in their recommendation to the Director, the Director shall issue a decision which incorporates the full substance of the recommendation of the Design Review Board, unless the Director concludes the Design Review Board:

a. Reflects inconsistent application of the design review guidelines; or
b. Exceeds the authority of the Design Review Board; or
c. Conflicts with SEPA conditions or other regulatory requirements applicable to the site; or
d. Conflicts with the requirements of state or federal law.

Subject to the above-proposed conditions, the Board found that the design of the proposed project adequately responded to the applicable Design Guidelines. The Director of DCLU has reviewed the decision and recommendations of the Design Review Board made by the five members present at the decision meeting and finds that they are consistent with the City of Seattle Design Review Guidelines for Multifamily and Commercial Buildings.

DECISION - DESIGN REVIEW

Director's Analysis

All five members of the Northeast Seattle Design Review Board were in attendance and provided recommendations to the Director and identified elements of the Design Guidelines which are critical to the project's overall success. The Director must provide additional analysis and then accept, deny or revise the Board's recommendations (SMC 23.41.014.F3).

The Design Review Board reviewed the project in light of the above elements and issued their recommendations listed above. The Board's recommendation to approve the requested design departures is consistent with the Design Guidelines. The specifics of landscaping, building materials, and site plan support a high-quality, functional design responsive to the neighborhood's unique conditions. The Director agrees with the Design Review Board's conclusion that the proposed project and conditions imposed result in a design that meets the intent of the Design Review Guidelines.

Director's Decision

The design review process is prescribed in Section 23.41.014 of the Seattle Municipal Code. Subject to the above-proposed conditions, the Board found that the design of the proposed project adequately responded to the applicable Design Guidelines. The Director of DCLU has reviewed the decision and recommendations of the Design Review Board made by the five members present at the decision meeting, provided additional review and finds that they are consistent with the City of Seattle Design Review Guidelines for Multifamily and Commercial Buildings. The Design Review Board agreed that the proposed design meets each of the Design Guideline Priorities as previously identified. Therefore, the Director accepts the Design Review Board's recommendations and **APPROVES** the proposed design with the conditions enumerated above and at the conclusion of this analysis.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant originally dated January 24, 2003. The information in the checklist, project plans, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment,

certain neighborhood plans and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states in part: *"where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation"* (subject to some limitations). Under certain limitations and/or circumstances (SMC 25.05.665 D 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short-Term Impacts

The following temporary or construction-related impacts are expected: decreased air quality due to suspended particulates from demolition and construction activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by drying mud tracked onto streets during construction activities; increased traffic and demand for parking from construction materials hauling, equipment and personnel; increased noise; and consumption of renewable and non-renewable resources. Several adopted codes and/or ordinances provide mitigation for some of the identified impacts:

- The proposal estimates approximately 500 cubic yards of demolished or excavated materials to be exported and disposed of off-site. Excess material to be disposed of must be deposited in an approved site. The proposal estimates approximately 150 cubic yards of fill to be imported to the site.
- The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction.
- The Street Use Ordinance requires watering streets to suppress dust, on-site washing of truck tires, removal of debris, and regulates obstruction of the pedestrian right-of-way.
- Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures in general.
- Finally, the Noise Ordinance regulates the time and level of construction noise that is permitted in the city.

Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment. However, due to the fact that a large amount of demolition and building activity will be undertaken in association with the proposed project, additional analysis of critical area, air quality, noise, grading and traffic impacts is warranted and summarized below:

Environmental Element	Discussion of Impact
1. Critical Area	• Development on steep slope.
2. Air Quality	• Increased dust and particulate matter due to demolition and construction activities and hauling of waste materials.
3. Noise	• Increased noise levels as a result of construction activities.
4. Drainage/Earth	• 500 cubic yards of demolished/excavated materials.
5. Traffic	• An increase in vehicular traffic adjacent to the site due to construction vehicles.

Environmentally Critical Areas

The regulations for Environmentally Critical Areas (ECA) (SMC 25.09) require that all properties having steep slope areas greater than 40% be identified on a topographical survey prepared by a licensed surveyor. Further, generally, no more than 30% of the identified steep slope areas may be disturbed. Exemptions from steep slope developmental coverage standards have been granted to the subject sites (under DCLU project numbers 2207639 and 2206606) due to a determination that the sites were previously developed. Therefore, the developmental disturbance standards are not applicable. A geotechnical report demonstrating that the site is completely stabilized will need to be submitted as part of the building permit process.

Air Quality - Demolition/Construction

During demolition and construction, it is likely that dust particles will be released. The Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality. This will assure proper handling and disposal of asbestos, if it is encountered on the proposal site. However, there is no permit process to ensure that PSCAA will be notified of the proposed development.

4. A copy of applicable PSCAA permits shall be submitted to DCLU before issuance of the Demolition and Building Permits.

Construction Impacts - Noise

There will be demolition and excavation required to prepare the building site and foundation for the new building. Additionally, as development proceeds, noise associated with construction of the building could adversely affect the surrounding residential uses in the adjoining residentially zoned areas. Due to the proximity of other residential uses, the limitations of the Noise Ordinance are found to be inadequate to mitigate the potential noise impacts. Pursuant to the SEPA Overview Policy (SMC.25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B), additional mitigation is warranted.

5. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby properties, all other construction activities shall be limited to non-holiday weekdays between 7:30 A.M and 6:00 P.M. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby residences, only the low noise impact work shall be permitted on Saturdays from 9:00 A.M. to 5:00 P.M.
6. Grading, delivery and pouring of concrete, and similar noisy activities shall be prohibited on Saturdays and Sundays. This condition may be modified by DCLU to allow work of an emergency nature. This condition may also be modified to permit low noise exterior work (e.g., installation of landscaping) after approval from DCLU.

After each floor of the building is enclosed with exterior walls and windows, interior construction on the individual enclosed floors can be done at other times in accordance with the Noise Ordinance. Such construction activities will have a minimal impact on adjacent uses.

Restricting the ability to conduct these tasks would extend the construction schedule, thus the duration of associated noise impacts. DCLU recognizes that there may be occasions when critical construction activities could be performed in the evenings and on weekends, which are of an emergency nature or related to issues of safety, or which could substantially shorten the total construction time frame if conducted during these hours. Therefore, the hours may be extended and/or specific types of construction activities may be permitted on a case by case basis by approval of the Land Use Planner prior to each occurrence. Periodic monitoring of work activity and noise levels will be conducted by DCLU Construction Inspections.

As conditioned, noise impacts to nearby uses are considered adequately mitigated.

Drainage

Soil disturbing activities during demolition and site excavation for foundation purposes could result in erosion and transport of sediment. The Stormwater, Grading and Drainage Control Code provides for extensive review and conditioning of the project prior to issuance of building permits. Therefore, no further conditioning is warranted pursuant to SEPA policies.

Earth - Grading

The ECA Ordinance and Directors Rule (DR) 3-93 requires submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in areas with steep slopes, liquefaction zones, and/or a history of unstable soil conditions. A Geotechnical Report was completed by Shannon & Wilson, Inc for the subject site dated October 25, 2002. The soils investigation revealed the geotechnical suitability of the site to support the proposed structure. Conclusions and recommendations of the study should be utilized in design, review and construction of the proposed project. Therefore, no further mitigation for potential significant adverse earth impacts is required through this SEPA review.

The construction plans, including shoring of excavations as needed and erosion control techniques will be reviewed by DCLU. Any additional information required showing conformance with applicable ordinances and codes will be required prior to issuance of building permits. Applicable codes and ordinances provide extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used; therefore, no additional conditioning is warranted pursuant to SEPA policies.

The Stormwater, Grading and Drainage Control Code requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of material. The current proposal involves cuts greater than three feet in height and grading of approximately 500 cubic yards of material. The Stormwater, Grading and Drainage Control Code provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used, therefore, no additional conditioning is warranted pursuant to SEPA policies.

Demolition/Construction: Traffic

The SEPA Overview Policy (SMC 25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675B) allow the reviewing agency to mitigate impacts associated with construction activities. Construction activities are expected to affect the surrounding area. Impacts to traffic and roads are expected from truck trips during demolition and construction activities. The SEPA Overview Policy (SMC 25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675B) allows the reviewing agency to mitigate impacts associated with transportation during construction. The demolition and construction activities will require the removal of material from the site and can be expected to generate truck trips to and from the site. In addition, delivery of concrete and other materials to the site will generate truck trips. As a result of these truck trips, an adverse impact to existing traffic will be introduced to the surrounding street system, which is unmitigated by existing codes and regulations.

It is expected that most of the demolished materials will be removed from the site prior to construction. During demolition a single-loaded truck will hold approximately 10 cubic yards of material. This would require approximately 65 single-loaded truckloads to remove the estimated 500 cubic yards of material and to import the estimated 150 cubic yards of fill.

Existing City code (SMC 11.62) requires truck activities to use arterial streets to the greatest extent possible. This immediate area is subject to traffic congestion during the p.m. peak hour, and large construction trucks would further exacerbate the flow of traffic. Pursuant to SMC 25.05.675(B) (Construction Impacts Policy) and SMC 25.05.675(R) (Traffic and Transportation), additional mitigation is warranted.

7. The applicant should develop and submit a Staging and Circulation plan including the elements specified below in order to reduce traffic/parking/pedestrian circulation impacts associated with demolition, grading, and construction. The plan will be subject to review and approval by DCLU through coordination with other appropriate departments/agencies with jurisdiction over the public right-of-way (e.g. SEATRAN, METRO, etc.). The plan shall include the following:

    - Information on how construction equipment and construction worker vehicles will enter and leave the project site;
    - Measures to minimize disruption of vehicular and bicycle traffic on adjacent streets;
    - Identification of haul routes and times at which all demolition and/or grading materials will be removed from the site by trucks; measures to minimize impact on traffic on adjacent streets and intersections.

8. The applicant must submit information on how sufficient on-site or other off-street parking will be provided to serve construction equipment and construction personnel commuting by motorized vehicle.

These conditions will assure that construction truck trips do not interfere with daily p.m. peak traffic in the vicinity. As conditioned, this impact is sufficiently mitigated in conjunction with enforcement of the provisions of existing City Code (SMC 11.62).

For the removal and disposal of the spoil materials, the Code (SMC 11.74) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of "freeboard" (area from level of material to the top of the truck container) be provided in loaded uncovered trucks, which minimizes the amount of spilled material and dust from the truck bed en route to or from a site.

The Street Use Ordinance requires sweeping or watering streets to suppress dust, on-site washing of truck tires, removal of debris, and regulates obstruction of the pedestrian right-of-way. This ordinance provides adequate mitigation for transportation impacts; therefore, no additional conditioning is warranted pursuant to SEPA policies.

Long-Term Impacts

Long-term or use-related impacts associated with approval of this proposal include stormwater and erosion potential on site. Several adopted City codes and/ordinances provide mitigation for some of the identified impacts. Specifically these are: the ECA Ordinance, Chapter 25.09.180 Development Standards for Steep Slopes and the Stormwater, Grading and Drainage Control Code which requires on-site detention of stormwater with provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding; and the City Energy Code which will require insulation for outside walls and energy efficient windows.

Compliance with all other applicable codes and ordinances is adequate to achieve sufficient mitigation of most long term impacts and no further conditioning is warranted by SEPA policies.

Due to the type, size and location of the proposed project, additional analysis of the height, bulk and scale and housing impacts is warranted and summarized below:

Height, Bulk & Scale

The SEPA Height, Bulk and Scale Policy (25.05.675.G) states that:

> *"The height, bulk and scale of development projects should be reasonably compatible with the general character of development anticipated by… the adopted Land Use Policies.....for the area in which they are located, and to provide for a reasonable transition between areas of less intensive zoning and more intensive zoning."*

In addition, the Policy states that:

> *"A project that is approved pursuant to the Design Review Process shall be presumed to comply with the Height, Bulk and Scale policies. This presumption may be rebutted only*

by clear and convincing evidence that height bulk and scale impacts documented through environmental review have not been adequately mitigated."

The site is being developed to Lowrise 1 standards, per the Land Use Code, and is thereby in keeping with the scale of development anticipated in the area. The discussion above indicates that there are no significant height, bulk and scale impacts as contemplated in the SEPA policy. In addition, the Design Review Board has approved this project (see discussion under A1 and B1 of the design guidance) and no evidence was presented suggesting that the height, bulk and scale impacts associated with the proposal were inadequately mitigated by the Design Review process. Therefore, no additional mitigation of height, bulk and scale impacts is warranted pursuant to SEPA policy.

Housing

The proposed project includes demolition of one residential unit. The proposed development will create eight new housing units. The net increase is therefore seven new residential units and no adverse impacts to housing are anticipated and no further mitigation is warranted.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 2c.

[ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 2c.

CONDITIONS – SEPA

The owner applicant/responsible party(s) shall:

Prior to Issuance of Demolition Permit

1. Submit a copy of applicable PSCAA permits to the DCLU Land Use Planner.

Prior to Building Permit Issuance

2. The applicant should develop and submit a Staging and Circulation plan including the elements specified below in order to reduce traffic/parking/pedestrian circulation impacts

associated with demolition, grading, and construction. The plan will be subject to review and approval by DCLU through coordination with other appropriate departments/agencies with jurisdiction over the public right-of-way (e.g. SDOT, etc.). The plan shall include the following:

- Information on how construction equipment and construction worker vehicles will enter and leave the project site;
- Measures to minimize disruption of vehicular and bicycle traffic on adjacent streets;
- Identification of haul routes and times at which all demolition and/or grading materials will be removed from the site by trucks; measures to minimize impact on traffic on adjacent streets and intersections.

3. The applicant must submit information on how sufficient on-site or other off-street parking will be provided to serve construction equipment and construction personnel commuting by motorized vehicle.

During Construction

The following conditions to be enforced during construction shall be posted at each street abutting the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. The conditions shall be affixed to placards prepared by DCLU. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

4. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby properties, all other construction activities shall be limited to non-holiday weekdays between 7:30 A.M and 6:00 P.M. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby residences, only the low noise impact work shall be permitted on Saturdays from 9:00 A.M. to 5:00 P.M.
5. Grading, delivery and pouring of concrete and similar noisy activities shall be prohibited on Saturdays and Sundays. This condition may be modified by DCLU to allow work of an emergency nature. This condition may also be modified to permit low noise exterior work (e.g., installation of landscaping) after approval from DCLU.

CONDITIONS – DESIGN REVIEW

The owner applicant/responsible party(s) shall:

Prior to MUP Issuance, the plans shall be updated to show:

6. The entrance stoops for Buildings A and B should be further emphasized with additional details and features reflective of single family housing. The design should include features such as canopies or entryway articulation that provide a layering of public to private space. The articulation of these entryways should not, however, further encroach into the front yard.

7. Buildings C and E along the southern portion of the site should be shifted as much as possible to widen the landscape buffer.

8. Provide additional colored and/or patterned treatment of "the driveway" located on the site.

Prior to Building Permit Issuance (Non-appealable)

9. All of these conditions shall be included on the data cover sheet of the plans submitted for the building permit.

10. All of the departure data shall be included on sheets where the compliance with development standards are documented.

11. And changes to the exterior of the building, the site plan or improvements in the right-of-way shall be reviewed and approved by DCLU through the post-permit revision process.

Compliance with these conditions must be verified and approved by the Land Use Planner, Lisa Rutzick, (206-386-9049) or the Design Review Manager for the project (Vince Lyons, 206-233-3823) at the specified development stage, as required by the Director's decision. The applicant/responsible party is responsible for arranging an appointment with the Land Use Planner at least three (3) working days prior to the required inspection. The Land Use Planner shall determine whether the condition requires submission of additional documentation or field verification to assure that compliance has been achieved.

Signature: (signature on file) Date: April 17, 2003
Lisa Rutzick, Land Use Planner
Department of Design, Construction and Land Use
Land Use Services

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